

1 MR. SILVA: Well, you know --

2 JUDGE CHACHKIN: -- terminate your rights.

3 MR. SILVA: -- I suppose -- all right. The Bureau
4 can file a motion to dismiss for failure to prosecute and
5 because we don't show up at the hearing and then --

6 JUDGE CHACHKIN: That's what I assume would
7 happen then.

8 MR. SILVA: -- and the renewal will be denied and
9 then that will be it. And the station won't go back on the
10 air.

11 JUDGE CHACHKIN: Unless you, on your own, are turn
12 in your license. Assuming the motion for summary decision
13 is denied. But, apparently, you are not prepared to do
14 that, so I do have to set dates. Is that right?

15 MR. SILVA: Okay, set dates.

16 JUDGE CHACHKIN: I mean, I have no choice. I have
17 to give you a right -- you are entitled to a hearing.

18 MR. SILVA: Right, okay.

19 JUDGE CHACHKIN: If you forfeit the right, that's
20 your option, but I have to give you a hearing. So we do
21 have a September 24th hearing date. And we will set a date
22 of September 10th for exchange of exhibits, and September
23 17th for a notification of witness cross-examination. Those
24 are the date I'm establishing, if assuming you don't intend
25 to appear at hearing if I deny the motion for summary

1 decision, than of course, I will vacate the dates, with that
2 understanding that you are not going forward on the issues.

3 Anything else the parties have to say at this
4 point?

5 MR. ARONOWITZ: No, Your Honor.

6 JUDGE CHACHKIN: All right, now, you say the
7 Bureau is going to file a counter-motion. When is that
8 going to be filed?

9 MR. ARONOWITZ: Well, it -- I think, I believe
10 it's due the 25th, if memory serves, or around that time.
11 Well, at least by then, but we will try to do it sooner.

12 JUDGE CHACHKIN: All right.

13 MR. SILVA: Your Honor, could I just inquire of
14 the Bureau, are you going to -- we would like an opportunity
15 to supplement our motion for summary decision to address the
16 issues that the Judge raised. Would it make more sense for
17 us to go ahead and do that first, and then you can respond?
18 Or were you going to response to -- were you going to raise
19 other issues? I mean, if you are going to raise other
20 issues --

21 MR. ARONOWITZ: When would your supplement be
22 filed?

23 MR. SILVA: I can file it by the end of the week.

24 MR. ARONOWITZ: Well, hold on.

25 (Pause.)

1 MR. ARONOWITZ: Well, I have a bit of a personal
2 scheduling problem in the sense that I mean it would be
3 great, but I am supposed to be leaving the middle of next
4 week for about 10 days. So, I'm not sure --

5 MR. SILVA: Could I -- if I filed it tomorrow,
6 would that be more agreeable?

7 MR. ARONOWITZ: Well, certainly, it's just that --

8 JUDGE CHACHKIN: If he hand-serves it by tomorrow,
9 I think that will give you enough time to file a response.

10 MR. ARONOWITZ: Yes, Your Honor, sure.

11 JUDGE CHACHKIN: All right. I'll give you
12 permission to file a supplement by, what is it, tomorrow you
13 say you are going to file it by?

14 MR. SILVA: Uh-huh.

15 JUDGE CHACHKIN: All right, then --

16 MR. SILVA: And, Your Honor, --

17 JUDGE CHACHKIN: And serve a copy on the Bureau.

18 MR. SILVA: Yes, sir. The purpose is to address
19 the issue that you raised concerning who will actually put
20 the station back on the air. You know, and I will try to
21 address the issue about whether a summary decision has ever
22 been granted in these particular circumstances before.

23 I did try to find some cases on that point, and
24 there weren't any. But I will double my efforts. But what
25 we were arguing is more the public interest rather than any

1 specific case precedent.

2 JUDGE CHACHKIN: All right, you have permission to
3 file a supplement by close of business tomorrow, hand-served
4 on the Bureau. And the Bureau has time to respond to your
5 motion and supplement -- will run from the filing of the
6 supplement. And I will await the Bureau's responses and
7 their counter-motion, and your response and then rule on the
8 matter. And I have established procedural dates in the
9 event I deny both motions for summary decision.

10 Anything further? If not, we are not at recess.

11 (Whereupon, at 9:25 a.m., the hearing was
12 adjourned.)

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HEARING DATE: July 16, 1996
LOCATION: Washington, D. C.

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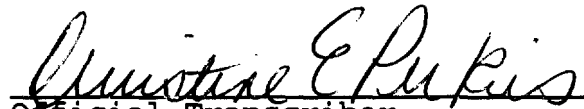

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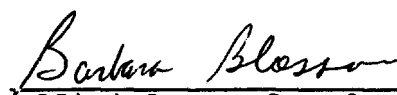

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